

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

PETER KIGANO GATHIRU,

Petitioner,

Case No. C14-1394-JLR-BAT

V.

ERIC HOLDER JR..

Respondent.

REPORT AND RECOMMENDATION

On September 19, 2014, petitioner Peter Kigano Gathiru filed a *pro se* “Petition for a Habeas Corpus,” seeking an order commanding his immediate release from immigration detention. Dkt. 1. Petitioner indicated he was being unlawfully detained in the state of Minnesota,¹ suggesting his 28 U.S.C. § 2241 habeas petition was filed in the wrong district. *See id.*; *see also* Dkt. 4. Given these circumstances, the Court issued an Order to Show Cause by October 14, 2014, why the petition should not be transferred or dismissed, and to explain why the Western District of Washington in Seattle, Washington, was the proper venue for the petition. Dkt. 4. Petitioner did not respond to the Court’s Order, and has not requested additional time within which to comply with the Court’s deadline.

Because petitioner has failed to respond to the Court's Order to Show Cause, and because

¹ Mr. Gathiru alleged “Petitioner was arrested and detained by Minnesota PD and was transferred to the Department of Homeland Security where he is now detained.” Dkt. 1 at 1.

1 his allegations, as the Court understands them, do not support a petition for habeas relief in this
2 jurisdiction, the Court recommends this case be **DISMISSED** without prejudice for failure to
3 prosecute. A proposed order accompanies this Report and Recommendation.

4 This Report and Recommendation is not an appealable order. Therefore a notice of
5 appeal seeking review in the Court of Appeals for the Ninth Circuit should not be filed until the
6 assigned District Judge enters a judgment in the case. Objections, however, may be filed no later
7 than **November 5, 2014**. The Clerk should note the matter for **November 7, 2014**, as ready for
8 the District Judge's consideration. Objections shall not exceed eight (8) pages. The failure to
9 timely object may affect the right to appeal.

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11 DATED this 15th day of October, 2014.

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BRIAN A. TSUCHIDA
United States Magistrate Judge